

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dennis Tyrone Hamilton,)	
)	C/A No. 9:12-0478-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
State of South Carolina; County of)	
Charleston; and Sheriff Al Canon,)	
)	
Defendants.)	
_____)	

Plaintiff Dennis Tyrone Hamilton is a pretrial detainee housed at the Al Cannon Detention Center in North Charleston, South Carolina. Plaintiff, proceeding pro se, filed a complaint on February 21, 2012, alleging that he has been subjected to cruel and unusual punishment based on “false imprisonment, wrongful incarceration, malicious prosecution (2 year incarceration).” Compl. 2, ECF No. 1. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act. On February 28, 2012, the Magistrate Judge filed a Report and Recommendation in which he noted that Plaintiff had provided no factual information about his alleged violations, but only a bald, conclusory claim of constitutional violations committed “by unknown persons, in unknown ways, and at unknown times or places.” Report and Recommendation 3, ECF No. 9. The Magistrate Judge further noted that Defendant State of South Carolina is entitled to Eleventh Amendment immunity; that failed to state a claim upon which relief can be granted as to Defendants County of Charleston and Sheriff Al Canon. Accordingly, the

Magistrate Judge recommended that Plaintiff's complaint be dismissed. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs with the Magistrate Judge's recommendation and incorporates the Report and Recommendation herein. Plaintiff's complaint is summarily dismissed without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

March 25, 2012

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.